

Cattaraugus County Planning Board
Cattaraugus County Center
Little Valley, New York
June 26, 2008
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Paul Mager, Vice Chairman
Ann Padlo, Secretary
Charles Couture, Assist. Sec.
Jack Berger
Florence Fuller
Richard Fuller
Robert Keis
David McCoy
David Rivet
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: William E. Sprague, Chairman
Tina Abrams
Kameron Brooks

PLANNING DIVISION STAFF: Thomas M. Livak, Director
Chris Crawford, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: None

Vice Chairman Mager called the meeting to order at 7:01 p.m.

APPROVAL OF MINUTES

Ann Padlo moved with a second from Michael Zaprowski to approve the May 29, 2008 minutes as submitted. Carried.

NEW BUSINESS

General Municipal Law Section 239 (l) & (m) Referrals

City of Salamanca – Zoning Text Amendment – 100 Wilson St & Lot on Summit St

Paul Bishop reported that the City of Salamanca has referred an amendment to their Zoning Law that would rezone 100 Wilson St. (Tax Map No. 73.079-5-24.2) from R1 Single-Family Residential to I2 Restricted Industrial and a

Summit Street lot (Tax Map No. 73.079-5-24.1) from I2 Restricted Industrial to R1 Single-Family Residential. The change in the use district classification of the two parcels would correct an error in their current classification so that the Zoning Law correctly shows the historical and current use of the two parcels. The I2 Restricted Industrial zone allows limited types of manufacturing and industrial uses that are compatible with adjacent residential uses. A SEQR Short EAF will be completed. A Public Hearing was held on June 11th, 2008. Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

David Rivet moved with a second from Florence Fuller that the referred City of Salamanca Zoning Text Amendment to rezone 100 Wilson St. from R1 Single-Family Residential to I2 Restricted Industrial and a Summit Street lot from I2 Restricted Industrial to R1 Single-Family Residential has no significant countywide or inter-municipal impact. Carried. Mike Zaprowski abstained.

Village of Allegany – Zoning Text Amendment – Changes in Allowable Uses Within Any Zoning District

Chris Crawford reported that the Village of Allegany has referred a Zoning Text and Map Amendment for changes in Allowable Uses within any zoning district. The proposed amendments are designed primarily to allow for accessory apartments, charitable institutions, hospice facilities/services and thrift stores (i.e. The Bridge at St. Bonaventure Church).

Chris' review consisted of an examination of the proposed zoning and map text amendments, the current zoning law, conversations with Village Clerk, Rena Flynn and GIS data layers. The Village Comprehensive Plan was not available for review.

Chris' findings were: 1) Appropriate definitions are added. 2) All "St. Bonaventure church" parcels are now given the same zoning designation. 3) There is an inconsistency between the new proposed §3, Art. VII (A), which allow accessory apartments in an R-1 zone by special use permit and the new proposed Table 7.1, which indicates that such a use is not allowed. 4) A new section on additional standards applying to accessory apartments is added.

Chris' determinations were: 1) Given the relatively small changes to the zoning text and map, it was determined that there is no intercommunity or countywide impact. 2) It is a Type 1 Action under SEQR with a Negative Declaration. 3) A Public Hearing is scheduled for July 14, 2008.

Staff recommendation is that the proposed project has no intercommunity or countywide impact and that the County Planning staff send a 'marked-up' copy of the proposed law to the Village Clerk correcting minor typographical errors and making minor wording suggestions with an advisory that the proposed Table 7.1 change the 'N' to a 'SP' for accessory uses in an R-1 district.

Charles Couture moved with a second from David Rivet that the Village of Allegany's referred Zoning Text and Map Amendment for changes in Allowable Uses within any zoning district has no intercommunity or countywide impact and that the County

Planning staff send a 'marked-up' copy of the proposed law to the Village Clerk correcting minor typographical errors and making minor wording suggestions with an advisory that the proposed Table 7.1 change the 'N' to a 'SP' for accessory uses in an R-1 district. Carried.

Town of Allegany Planning and Zoning Board of Appeals Special Use Permit/Site Plan Review/Area Variance – 3018 W. State Street – City Grill & Arby's

Chris Crawford reported that the Town of Allegany Planning Board and Zoning Board of Appeals have referred a Site Plan Review, Special Use Permit request and Area Variances for construction of 2 new restaurants: Wing City Grill and Arby's at 3018 W. State Street (TAX MAP Nos. 94.062-1-5.1, 94.062-1-8, 94.062-1-9, 94.062-1-10, 94.062-1-11). The review is being conducted due to the property's proximity to NYS Route 417 and the municipal border with the City of Olean.

Chris' review consisted of an examination of applicant submitted documents including Part 1 of SEQR Short EAF, site plan drawings, the Town of Allegany Zoning Ordinance, the 2007 Route 417 Access Management Plan and GIS data layers.

Site Plan Review - Chris' findings were: 1) All necessary information required by the Town's ordinance was submitted. 2) The Route 417 Access Management Plan identifies the intersection of NYS Route 417 and Independence Drive as a 'bottleneck' with a higher than statewide average number of accidents and near capacity traffic volume on both NYS Route 417 and Independence Drive during peak flow. 3) The Route 417 Access Management Plan suggests the placement of a 4' median from Allegany Street to Independence Drive and a redesign of pavement markings to limit traffic to one lane in both directions to 15th Street in Olean. 4) The proposed access to NYS Route 417 provides for both ingress and egress. 5) Additional access to businesses appears to be available to Independence Drive. 6) No additional information on traffic effects was provided to the County Planning Board (although none was required).

Chris' determinations were: 1) Given the findings of the Route 417 Access Management Plan and the proximity to the City of Olean border, there are likely to be "intercommunity impacts". 2) Given the proposed and current uses of the property, there is likely to be an undetermined and perhaps significant increase in the amount of traffic in the vicinity of the intersection of NYS Route 417 and Independence Drive, which has been found to be a concern by the Route 417 Access Management Plan. 3) The proposed project is an Unlisted Action under SEQR with a Short Form EAF completed. 4) A Public Hearing is scheduled for July 14, 2008.

Staff recommendation is that the proposed project has an "intercommunity impact" with respect to the potential for increased traffic volume, given the current situation at the intersection of NYS Route 417 and Independence Drive, as documented by the Route 417 Access Management Plan, 2007 and that the County Planning Board approves the proposed project with the following conditions: 1) That access to the property on Route 417 be limited to ingress only. 2) That the applicant secure a legal right from Tim Donut US Limited Inc. for use of the existing access road to insure that all egress from the

property, with the exception of some Arby's drive-thru traffic exiting to 3036 W. Main Street, be routed to Independence Drive through rear parking lot area.

Additionally, Staff recommends the following advisories: 1) That the length of parking spaces in the rear parking lot be reduced from 20' to 18' thus increasing the width of travel lanes in the rear lot from 24' to 28' providing more space for the expected increase in traffic exiting the property to Independence Drive. 2) That stop lines, stop signs, directional signs be placed at the locations shown in the attachment to insure that exiting traffic is routed to Independence Drive. 3) The County Planning Board advise the Town Planning Board of the need to notify the City of Olean, under §239-nn of General Municipal Law, no less than 10 days before the public hearing.

Discussion.

David McCoy moved with a second from Michael Zaprowski that the Town of Allegany Planning Board's referred Site Plan Review for construction of 2 new restaurants: Wing City Grill and Arby's at 3018 W. State Street has an "intercommunity impact" with respect to the potential for increased traffic volume, given the current situation at the intersection of NYS Route 417 and Independence Drive, as documented by the Route 417 Access Management Plan, 2007 and that the County Planning Board approves the proposed project with the following conditions: 1) That access to the property on Route 417 be limited to ingress only. 2) That the applicant secure a legal right from Tim Donut US Limited Inc. for use of the existing access road to insure that all egress from the property, with the exception of some Arby's drive-thru traffic exiting to 3036 W. Main Street, be routed to Independence Drive through rear parking lot area, and makes the following advisories: 1) That the length of parking spaces in the rear parking lot be reduced from 20' to 18' thus increasing the width of travel lanes in the rear lot from 24' to 28' providing more space for the expected increase in traffic exiting the property to Independence Drive. 2) That stop lines, stop signs, directional signs be placed at the locations shown in the attachment to insure that exiting traffic is routed to Independence Drive. 3) The County Planning Board advise the Town Planning Board of the need to notify the City of Olean, under §239-nn of General Municipal Law, no less than 10 days before the public hearing. Carried.

Special Use Permit – Chris' findings were: 1) The Special Use Permit is required for the drive-up window for one of the restaurants. 2) Route 417 Access Management Plan identifies the intersection of NYS Route 417 and Independence drive as a 'bottleneck'.

Chris' determinations were: 1) Given adequate space for a drive-up queue, there will be no spillover onto NYS Route 417. 2) There is "no intercommunity or countywide impact" with regard to granting the Special Use Permit.

Staff recommendation is that the proposed project has no intercommunity or countywide impact and the County Planning Board should advise the Town Planning Board of the need to notify the City of Olean, under Section 239-nn of General Municipal Law, no less than 10 days before the public hearing.

Robert Keis moved with a second from Ann Padlo that the Town of Allegany Planning Board's referred Special Use Permit for construction of a new restaurant with a drive-up

window at 3018 W. State Street (Route 417) has no intercommunity or countywide impact with an advisory that the Town Planning Board should notify the city of Olean, under Section 239-nn of General Municipal Law, no less than 10 days before the public hearing. Carried.

Area Variances – Chris’ findings were: 1) Area Variances are required for front, side and rear yard setbacks, and 2) An additional variance is required to allow for an increase in the size of sign allowed.

Chris’ determinations were: 1) granting of the area and sign variances will have no intercommunity or countywide impacts.

Staff recommendation is that the proposed project has no intercommunity or countywide impact with the following advisories to the Town Zoning Board of Appeals: 1) That the ZBA have the applicant prepare 3-4 different sign options, keeping in mind that architectural and character considerations associated with the CO-1 overlay zone, to allow the ZBA to choose from different options, and 2) That if the ZBA agrees to grant the area variances, that appropriate design elements (landscaping, fencing, architectural elements, etc..) be put in place to minimize impacts associated with smaller setbacks.

Charles Couture moved with a second from Richard Fuller that the Town of Allegany Zoning Board of Appeals referred area variances for construction of 2 new restaurants at 3018 W. State Street has no intercommunity or countywide impact with the following advisories to the Town Zoning Board of Appeals: 1) That the ZBA have the applicant prepare 3-4 different sign options, keeping in mind that architectural and character considerations associated with the CO-1 overlay zone, to allow the ZBA to choose from different options, and 2) That if the ZBA agrees to grant the area variances, that appropriate design elements (landscaping, fencing, architectural elements, etc..) be put in place to minimize impacts associated with smaller setbacks. Carried.

Environmental Reviews

Town of Allegany Planning Board – SEQR Lead Agency – City Grill & Arby’s

Chris Crawford reported that the Town of Allegany Planning Board is seeking SEQR Lead Agency status for the construction of two new restaurants – City Grill and Arby’s at 3018 W. State Street. Staff recommendation is that the County Planning Board has no objection to the Town Planning Board serving as Lead Agency for this project.

Charles Couture moved with a second from David Rivet that the County Planning Board has no objection to the Town of Allegany Planning Board serving as SEQR Lead Agency for the purpose of conducting an environmental review of the proposed construction of two new restaurants – City Grill and Arby’s at 3018 W. State Street. Carried.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#08.019 through STW#08.024 have been received. Staff recommendation is received, reviewed, no comments. The Board concurred.

OLD BUSINESS – None**REPORTS / OTHER BUSINESS****Chairman's Report**

Annual Meeting – Margaret Puszcz distributed the invitation to the Annual Dinner scheduled for July 28th at St. Bonaventure Clubhouse, indicating that the RSVP date is July 18th.

Terms Expiring – Vice Chairman Mager stated that there are four members terms expiring on July 31, 2008 – Tina Abrams, Jack Berger, Kameron Brooks, and William Sprague. Each has indicated that they will serve another three year term. A memo to that affect will be sent to the Chairman of the County Legislature.

Mileage Vouchers – Six month mileage vouchers were distributed for signature.

July Regular Meeting – The regular July meeting will be held prior to the Annual Dinner meeting.

Three Year Plan & Budget Committee Meeting Date – Upon discussion, it was the consensus of the Committee members to schedule a meeting during the first week of August.

Department Reports

Office Strategic Plan – Chris Crawford reported that the Planning Office is currently working through a strategic planning process with the goal of coming up with a vision, goals and action plans.

Community Development Specialist – Chris Crawford reported that the Department has contracted with Mary Anderson to assist the Department in working with various communities on development. Initially, she will be working in the Route 16 corridor with the goal of helping to organize a Route 16 Community Development origination.

Update Transportation Plan – Paul Bishop stated that as reported last month, the Department had received a request from The ReHabilitation Center for a letter confirming that they were participating in a Locally Developed, Coordinated Transportation Plan, which had been prepared in the mid 1990's. This Plan coordinates transportation services for the elderly, handicapped and low-income families. The County is in the process of creating a steering committee of 10 to 12 individuals to assist in the updating of this plan.

Director's Report

Thomas Livak announced that he would be stepping down as Director of the Department of Economic Development, Planning and Tourism effective July 12th. He has accepted a position at Allegany State Park. He reported that Joseph Williams has been appointed Interim Director.

He also reported that the Departments Junior Accountant, Kristy Phinney has resigned her position effective August 1st to take the position of Personnel Technician Trainee in the Human Resources Department.

Tom thanked the Board for their support over the years.

The Planning Board members thanked Tom Livak for his 15 years of service, 9 as Director and wished him well in his new position.

STW Report

Robert Keis reported that the STW Board had its annual day of ARC presentations – 14 projects in all. They have received a \$43,000 grant for their Energy Conservation Program. STW loaned \$100,000 to Peak and Peek to assist them at this time during a cash flow situation. The Executive Director of STW recently met with the congressional representative to discuss funding for Route 219. They are going to try to put together funding for Route 219 to be completed to the PA border.

Members Forum

Jack Berger reported that the Randolph area is very proud of the fact that Randolph native Ann Dunwoody has been nominated to be a four Star General. She will be the 1st woman in history to receive such a rank.

David McCoy reported that the Town of Portville is moving forward with their Comprehensive Plan and Economic Development Plan. They had their first kick-off meeting and will be holding a second meeting in the near future. They have a team of about 10 people working on this.

Mike Zaprowski reported that work has started on the temporary repairs of Center Street Bridge and it is anticipated that they will be done by the time school opens.

CORRESPONDENCE

The following correspondence was received and reviewed:

Town of Allegany Planning Board – Special Use Permit and Site Plan – IA Construction for expansion of Lippert Pit on South Nine Mile Road – approved subject to conditions on June 9, 2008.

City of Olean Planning Board – Site Plan Review – Remodel of existing building for a beauty salon at 102 North Clinton Street – approved June 2, 2008.

City of Olean Zoning Board of Appeals – Area Variance for Parking Spaces – 1900 Constitution Avenue – Tractor Supply – approved.

City of Olean Zoning Board of Appeals – Area Variance for Signage – 1900 Constitution Avenue – Tractor Supply – approved.

Village of Little Valley Zoning Board of Appeals – Area Variance – Addition to Little Valley Memorial Library at 110 Rock City Street – granted.

ADJOURNMENT

David Rivet moved with a second from Michael Zaprowski to adjourn the meeting in tribute to Thomas Livak, Director of the Department of Economic Development, Planning and Tourism at 7:55 pm. Carried.